

Court of Appeals, Division One

Criminal

1 CA-CR 15-0680

STATE v. R.W.

Appellate Case Information

Case Filed: 30-Sep-2015

Case Closed:

Dept/Composition

Department A

Hon. Kenton D Jones
Hon. Randall M Howe
Hon. Donn Kessler

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Michael Valenzuela, Esq. (AZ Bar No. 27375)

Side 2. R. W., Appellant

(Litigant Group) R.W.

- R. W.

Attorneys for: Appellant

Kevin D Heade, Esq. (AZ Bar No. 29909)

CASE STATUS

Feb 2, 2017.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2012-149125-001	Sale or Transportation of Dangerous Drugs, with 2 or more prior felony convictions, Class 2; Misconduct Involving Weapons with 2 or more felony convictions, Class 4; Misconduct Involving Weapons with 2 or more prior felonies, Class 4	12.5 Years; 7 Years; 7 Years	James R Rummage, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-17-0059-PR

2 OPEN DUE DATES

Motion for Reconsideration due

Due By: Wednesday, February 22, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Kenton D Jones - Author; Hon Randall M Howe - Concur; Hon Donn Kessler - Concur

Petition for Review to ASC due

Due By: Thursday, March 9, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Kenton D Jones - Author; Hon Randall M Howe - Concur; Hon Donn Kessler - Concur

CASE DECISION

02-Feb-2017 MEMORANDUM DECISION

Kenton Jones.....Author

Randall Howe.....Concur

Donn Kessler.....Concur

Filed: 02-Feb-2017

Mandate:

Decision Disposition

Affirmed

52 PROCEEDING ENTRIES

- 30-Sep-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 09/23/15. Notification sent to Court Reporters dated 9/29/2015
- 26-Oct-2015 FILED: Untitled Letter from Court Reporter re: Requesting Extension of Time to File Transcripts (Kristen Brown)
- 3-Nov-2015 ORDERED: Appointing Maricopa County Public Defender for appellant for all further proceedings. FURTHER ORDERED: Transcripts due 12/17/2015. Anthony Mackey ProTem Judge - Author

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4. 5-Nov-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: 127
5. 5-Nov-2015 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 11/03/14 - LIST # 9 10 11 12 13 14 15 16 17 18 19 20 21 22 24 25 26 29 30 31 32 39 40 In Manila Envelope.
Sealed item:
Confidential Criminal History Addendum In Sealed Manila Envelope.
6. 25-Nov-2015 FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)
7. 30-Nov-2015 ORDERED: Ken Crenshaw transcript dated 03/07/14 due 12/30/15. Hon Samuel A Thumma - Author
8. 30-Nov-2015 ORDERED: Court Reporter Carrie Newman transcript dated 09/18/14 due 12/30/15. Hon Samuel A Thumma - Author
9. 30-Nov-2015 ORDERED: Court Reporter Kristen Brown transcripts dated 11/03/14, 11/04/14, 11/05/14, 11/06/14 due 12/30/15. Hon Samuel A Thumma - Author
10. 30-Nov-2015 ORDERED: Court Reporter Renee Mobley transcript dated 11/07/14 due 12/30/15. Hon Samuel A Thumma - Author
11. 30-Nov-2015 ORDERED: Court Reporter Jeanne Kappedal transcript dated 09/23/15 due 12/30/15. Hon Samuel A Thumma - Author
12. 2-Dec-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
13. 11-Dec-2015 FILED: Reporter's Transcript - 11/03/2014 - (Kristen Brown)
14. 11-Dec-2015 FILED: Reporter's Transcript - 11/04/2015 - (Kristen Brown)
15. 11-Dec-2015 FILED: Reporters Transcript - 11/04/2014 - (Kristen Brown) (Duplicate)
16. 18-Dec-2015 FILED: Reporters Transcript - 11/05/2014 - (Kristen Brown)
17. 22-Dec-2015 FILED: Reporters Transcript - 11/06/2014 - (Kristen Brown)
18. 23-Dec-2015 FILED: Reporter's Transcript -- 11/07/2014 --Verdict (Renee Mobley)
19. 4-Jan-2016 FILED: Reporters Transcript - 09/23/2015 - (Jeanne Kappedal)
20. 19-Jan-2016 FILED: Reporters Transcript - 03/07/2014 - (Janice Penfield)
21. 28-Jan-2016 ORDERED: Court Reporter Carrie Newman transcript dated 09/18/14 past due. OSC 02/17/16. Hon Samuel A Thumma - Author
22. 29-Jan-2016 FILED: Reporters Transcript - 09/18/2014 - (Carrie Newman)
23. 3-Feb-2016 FILED: Notice of Completion of Record
24. 12-Feb-2016 FILED: Notice of Appearance; Certificate of Service (Appellant)
25. 29-Feb-2016 FILED: Motion to Extend Time to File Opening Brief; Motion to Supplement Appellate Record with Additional Transcripts; Certificate of Service (Appellant)
26. 29-Feb-2016 FILED: Motion to Remand to Trial Court for Reconstruction of the Record and Request for Extension of Time to File the Opening Brief; Certificate of Service (Appellant)

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27. 7-Mar-2016 ORDERED: Motion to Remand to Trial Court for Reconstruction of the Record (Appellant) = GRANTED/Staying this appeal to/including 04/06/16 and revesting jurisdiction in Maricopa County Superior Court for permitting trial court parties to locate and/or reconstruct the pleadings. FURTHER ORDERED: Superior Court shall transmit certified copy of findings/reconstructed materials within five days after entry, no later than 04/07/16. FURTHER ORDERED: Appeal shall be automatically reinstated 04/07/16 without further order. FURTHER ORDERED: Record and Request for Extension of Time to File the Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 03-21-2016 to Friday, 05-06-2016. Anthony Mackey ProTem Judge - Author
28. 7-Mar-2016 ORDERED: Motion to Supplement Appellate Record With Additional Transcripts (Appellant) = GRANTED/Transcripts due 04/06/16. FURTHER ORDERED: Record and Request for Extension of Time to File the Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 03-21-2016 to Friday, 05-06-2016. Anthony Mackey ProTem Judge - Author
29. 11-Mar-2016 FILED: Motion to Unseal Documents: Minute Entry Dated 05/29/2013 Filed 06/03/2013; Certificate of Service (Appellant)
30. 14-Mar-2016 FILED: Reporter's Transcript - 8/1/2013 Trial Continuance and Motion to Change Counsel - (Tara L. Kramer)
31. 14-Mar-2016 FILED: Reporter's Transcript - 8/1/2013 Trial Continuance and Motion to Change Counsel - (Tara L. Kramer) (AMENDED)
32. 21-Mar-2016 ORDERED: Motion to Unseal Documents: Minute Entry Dated 05/29/2013 Filed 06/03/2013 (Appellant) = GRANTED/unsealing the minute entry, IOR 37 for this appeal only. Anthony Mackey ProTem Judge - Author
33. 6-Apr-2016 FILED: Motion to Extend Time to File Opening Brief; Motion to Supplement Appellate Record with Transcripts of 5/29/13 Court Proceeding; Certificate of Service (Appellant)
34. 11-Apr-2016 ORDERED: Motion to Supplement Appellate Record With Transcripts of 5/29/13 Court Proceeding(Appellant) = GRANTED/unsealing court reporter notes dated 05/29/2013. Court reporter Brenda Brown 05/29/2013 transcript due 05/09/2016. FURTHER ORDERED: Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 05-06-2016 to Monday, 06-06-2016 Anthony Mackey ProTem Judge - Author
35. 18-Apr-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes copies of transcripts previously filed with Court and copies of states motion in limine and motion to preclude)
36. 26-Apr-2016 ORDERED: Court Reporter Carrie L Newman shall appear for OSC 05/18/2016 for transcript dated 03/14/2014. Hon Samuel A Thumma - Author
37. 12-May-2016 FILED: Reporter's Transcript - 05/29/13 - Evidentiary Hearing/Settlement Conference (Jovanna Roman for Brenda Brown)
38. 16-May-2016 FILED: Reporter's Transcript - 3/14/14 - Status Conference (Carrie Newman)
39. 31-May-2016 FILED: Motion to File Under Seal (Documents Filed Over Counter) (Appellant)
40. 7-Jun-2016 ORDERED: Opening Brief due date EXTENDED from Monday, 06-06-2016 to Wednesday, 07-06-2016. Fred Cole ProTem Judge - Author
41. 16-Jun-2016 ORDERED: Motion to File Under Seal (Documents Filed Over Counter) (Appellant) = GRANTED/Accepting the motion for court order as filed under seal on 05/31/2016. Hon Margaret H Downie - Author
42. 16-Jun-2016 ORDERED: Amending caption. This caption shall be used on all future documents filed in this appeal until after this case is assigned to a panel of judges for consideration and disposition on the merits. Hon Margaret H Downie - Author
43. 17-Jun-2016 FILED: Appellant's Opening Brief; Certification of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
44. 21-Jun-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
45. 29-Jul-2016 ORDERED: Answering Brief due date EXTENDED from Monday, 08-01-2016 to Wednesday, 08-31-2016. Fred Cole ProTem Judge - Author
46. 31-Aug-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
47. 22-Sep-2016 FILED: Appellant's Reply Brief; Certification of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
48. 29-Sep-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
49. 7-Oct-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
50. 28-Oct-2016 CLNDR: CONFERENCE, Department A, 12-20-16, COURTROOM 2.

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52 PROCEEDING ENTRIES

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| 51. | 2-Feb-2017 | MEMORANDUM DECISION (Affirmed) Hon Kenton D Jones - Author; Hon Randall M Howe - Concur; Hon Donn Kessler - Concu |
| 52. | 2-Feb-2017 | FILED: Memorandum Decision Distribution List |